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ADMITTED NY

September 10, 2010

Via ECF

Marshall Miller, Jason Jones,  
Berit Berger, Zainab Ahmad  
United States Attorney's Office  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States v. Ibrahim*, 07-cr-543-DLI

Dear Counsel:

We write in connection with the upcoming status conference in the above-referenced matter on September 27, 2010. For purposes of preparing for trial and to ensure a productive discussion about the trial schedule at the status conference, it is necessary for the defense to receive the following:

- The position of the United States as to the admissibility into the country of any witness listed in our three letters to the government dated May 14 and May 18, 2010 (docket entries 229, 230 and 236);
- Any revision by the government to any expert notice relating to any expert the government intends to call at Ibrahim's trial;
- Identification of any document the government may seek to introduce at Ibrahim's trial, along with any basis for its admission into evidence;
- The photographs admitted as Exhibits 6, 80, 81, 82 and 83 at the trial of severed codefendants Russell Defreitas and Abdul Kadir (see Transcript ("Tr.") at 2944-46), and any other photograph relating to Kareem Ibrahim that the government may seek to introduce at Ibrahim's trial;
- The date of birth and any alias for the individual referred to as "Latif Ali" in the severed codefendants' trial (see, e.g., Tr. at 4848); and
- A representation from the government whether it will argue or imply at Ibrahim's trial that Ibrahim "wanted to send . . . out to Iran" anyone other than severed codefendant Kadir, as the government argued on rebuttal at Tr. 4853-54.

Marshall Miller, *et al.*  
September 10, 2010

*United States v. Defreitas, et al.*, 07-cr-543-DLI

In addition, based on the testimony at the severed codefendants' trial regarding the Jamaat al-Muslimeen ("JAM") and the defendants' capabilities with respect to carrying out the charged offenses, we renew the demands for information set forth in: (1) our Motion To Compel and corresponding Reply (docket entries 170 and 190, respectively); and (2) our letters to the government dated July 6 and August 6, 2010 (docket entries 357 and 419, respectively).

Also, assuming that the government intends to call Matthew Levitt, Ph.D. as an expert at Ibrahim's trial, we renew our request by letter dated June 15, 2010 (docket entry 304) for a copy of the most recent draft or final version of *Hezbollah: The Worldwide Presence of Lebanon's 'Party of God'* (Georgetown University Press), which is listed as a forthcoming publication on Dr. Levitt's c.v.

A response to each of the foregoing is material to the preparation of the defense within the contemplation of Rule 16 of the Federal Rules of Criminal Procedure, is mandated by *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Giglio*, 405 U.S. 150 (1972), or *Kyles v. Whitley*, 514 U.S. 419 (1995), or otherwise falls within the ambit of Ibrahim's rights to due process and a fair trial. Further, in light of trial preparation and the particular facts and circumstances of this case, which may require additional investigation or more than one Rule 15 deposition in a foreign country, disclosure of the material described in this letter is necessary at this time.

Sincerely,

/s/

Michael Hueston  
Zoe Dolan

MOH/zjd